

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/763,559	WILKIE, GEOFFREY D.M.	
	Examiner	Art Unit	
	Ajay Vasudeva	3617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview conducted on 2/13/2006.
2. ☒ The allowed claim(s) is/are 2-9, 11-21 and 28-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20060213.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413B)<br>Paper No./Mail Date <u>20060213</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                    |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Paul Maliszewski on 2/13/2006.

2. The application has been amended as follows:

#### In the DRAWINGS

The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

- In figures 6A, 6B, 6C and 6D, the label – **Prior Art** – has been removed.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

#### In the SPECIFICATION

- On page 3 (line 19), after "FIG. 6A is a front ... contracted configuration", -- **(Prior Art)** -- has been deleted.
- On page 4 (line 1), after "FIG. 6B is a back ... contracted configuration", -- **(Prior Art)** -- has been deleted.

Art Unit: 3617

- On page 4 (line 3), after "FIG. 6C ... expanded/contracted configuration", -- **(Prior Art)** -- has been deleted.
- On page 4 (line 5), after "FIG. 6D is ... expanded configuration", -- **(Prior Art)** -- has been deleted.
- On page 10 (line 17), after "FIG. 6A is... contracted configuration", -- **(Prior Art)** -- has been deleted.
- On page 10 (line 19), after "FIG. 6B is ... contracted configuration", -- **(Prior Art)** -- has been deleted.
- On page 11 (line 9), after "FIG. 6C is a front view ... expanded/contracted configuration", -- **(Prior Art)** -- has been deleted.
- On page 11 (line 11), after "FIG. 6D is a ... expanded configuration", -- **(Prior Art)** -- has been deleted.
- On page 12 (line 18), after "FIG. 7 is a back view of a plate assembly", "**450**" has been changed to -- **455** --.

**In the CLAIMS** \*(filed 12/22/2005)

**Claim 10** has been canceled.

**In Claim 11** (line 1),

after "The propeller recited in claim", "**10**" has been changed to -- **33** --.

In Claim 19 (line 3),

before "and a second", – **structure** – has been added.

after "back surface for said truss", – **structure** – has been added.

Claims 22-24 have been canceled.

The following new claims have been added:

**Claim 31 (New)      The propeller recited in claim 2 wherein said propeller is connected to a waterborne vessel.**

**Claim 32 (New)      The propeller recited in claim 2 wherein said propeller is connected to a submersible vessel.**

**Claim 33 (New)      A propeller comprising:**  
                         **a blade assembly having a truss structure,**  
                         **a blade surface engaged with said blade assembly, covering at least a**  
**portion of said blade assembly,**

**wherein said truss structure further comprises a radial expansion and retraction structure having:**

**a plurality of linking members pivotally connected to one another to form a closed loop; and,**

**a plurality of mounting members pivotally connected to one another to form a closed loop and pivotally and slidingly connected to corresponding linking members; and,**

**wherein each of said mounting members has a blade link point,**

**wherein said blade surface varies in size as said blade link points are moved with respect to one another, and**

**wherein said blade surface is operatively arranged to change shape when said linking members are moved with respect to one another.**

**Claim 34 (New)      The propeller recited in Claim 19 wherein said blade assembly further comprises a plurality of radial expansion and retraction structures.**

3. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes. The new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is

Art Unit: 3617

being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva  
Examiner  
Art Unit 3617

*Ajay Vasudeva*  
2/20/06  
AJAY VASUDEVA  
PATENT EXAMINER